

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

DAVE R. ANGLIN,

Petitioner,

v.

**Civil Action No. 3:13cv12
(Judge Groh)**

TERRI O'BRIEN,

Respondent.

ORDER DISMISSING CASE

On February 6, 2013, the petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Because the petitioner did not pay the \$5 filing fee or, in the alternative, file an application to proceed *in forma pauperis*, the Clerk of Court sent him a Notice of Deficient Pleading. On February 21, 2013, the petitioner filed a Motion for Release/Transfer of Funds from USP Hazelton. The motion was denied on February 27, 2013, and the petitioner was granted an additional twenty-one (21) days to comply with the Notice of Deficient Pleading sent to him on February 6, 2013.

On April 2, 2013, the United States Magistrate Judge reviewed the filed and determined that the petitioner had not complied with the Notice of Deficient pleading by sending in the \$5 filing fee or, in the alternative, filing an application to proceed *in forma pauperis*. Accordingly a Show Cause Order was entered giving the petitioner fourteen (14) to show cause why his case should not be dismissed. The Order was sent by certified mail, return receipt requested, to his last known address as reflected on the docket sheet. Service of the Order was accepted at USP Hazelton on April 15, 2013.

Upon review of the file on this date, the Court finds that the petitioner has not complied with the Court's order of April 2, 2013, has not requested an extension of time to do so, or otherwise

explained his reasons for noncompliance. Accordingly, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, it is **ORDERED** that the Petition [Dckt. 1] is hereby **DISMISSED WITHOUT PREJUDICE** for the failure to prosecute. It is further **ORDERED** that this civil action be **DISMISSED and STRICKEN** from the active docket of this Court.

IT IS SO ORDERED.

The Clerk is **DIRECTED** to transmit a copy of this order to the petitioner by certified mail, return receipt requested, to his last known address as reflected on the docket sheet.

DATED: May 1, 2013.


GINA M. GROH
UNITED STATES DISTRICT JUDGE